

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

**MEMORANDUM OF LAW & ORDER**  
Criminal File No. 10-333 (MJD/FLN)

(1) EUGENE MAURICE CLANTON,

Defendant.

---

Thomas M. Hollenhorst, Assistant United States Attorney, Counsel for Plaintiff.

Eugene Maurice Clanton, pro se.

---

This matter is before the Court on Defendant Eugene Maurice Clanton's Pro Se Motion for Reconsideration re: Order on Motion for Compassionate Release from Custody. [Docket No. 81]

The Court has carefully reviewed Defendant's motion and additional filings and concludes that Defendant has still failed to show "extraordinary and compelling reasons" due to medical condition or age. See U.S.S.G. § 1B1.13, cmt. 1(A). Defendant requests release based on dangers associated with the COVID-19 pandemic. Defendant is a 45-year-old man. He was successfully treated for

cancer in 2014 and 2015, and medical records show no indication of any current medical condition that would increase Defendant's risk for complications from COVID-19. With his motion for reconsideration, Defendant has submitted additional medical records regarding past treatment for his back pain and tendonitis; however, the additional evidence does not show a medical condition that would create an elevated risk for complications from COVID-19.

Defendant is currently incarcerated at Lewisburg USP. At the time that Defendant filed his motion for reconsideration, he asserts that there were many inmates who were positive for COVID-19. However, now, the outbreak appears to have been controlled, and no inmates currently are positive for COVID-19. Overall, Defendant has shown no medical condition or elevated risk that would warrant release.

Additionally, as the Court explained in its prior Order, release is not warranted under the factors set forth in 18 U.S.C. § 3553(a). In Defendant's motion for reconsideration, he asserts that he has been rehabilitated and taken positive steps while in prison. The Court is heartened by Defendant's actions and encourages Defendant to continue to work towards his future reentry into society as a strong and contributing member of the community. Defendant's

new mindset does not justify release. Defendant has a significant criminal history including a previous federal drug trafficking conviction, state drug conviction, firearms conviction, and second-degree assault conviction. He committed the instant offense, which constituted a grave threat to public safety and involved possessing a loaded handgun while inside a hospital and pushing a police officer to the ground in an attempt to escape, while he was on federal supervised release. He has only served approximately 60 percent of his sentence at this time. A sentence reduction would not reflect the seriousness of the offense, promote respect for the law, protect public safety, or provide a just punishment. In addition, a sentence reduction would create unwarranted sentencing disparities among defendants and would not afford adequate deterrence for the offense committed.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

Defendant Eugene Maurice Clanton's Pro Se Motion for Reconsideration re: Order on for Motion Compassionate Release from Custody [Docket No. 81] is **DENIED**.

Dated: September 28, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Court